



# TOWN OF AMENIA

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TOWN OF AMENIA  
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TOWN CLERK

~~BOARD OF ZONING~~ (LB)

## TOWN OF AMENIA PLANNING BOARD

Resolution #9 for 2015

July 29, 2015

### **Resolution Approving the Amended Special Permit and Amended Master Development Plan for the Silo Ridge Field Club**

**WHEREAS**, in 2005, Higher Ground Country Club, LLC ("HGCC") proposed the development of a resort community on 670+/- acres located west of NYS Route 22 and north and south of US Route 44 in the Town of Amenia identified as parcel numbers 7066-00-732810, 7066-00-860725, 7066-00-742300, 7066-00-670717, 7067-00-709177 and 7066-00-628131 on the Town of Amenia Tax Map (the "Original Project Site"). The Original Project Site was previously developed with a 170 acre 18-hole championship golf course and clubhouse; and

**WHEREAS**, the proposed development consisted of the following elements, among other things: condominiums, single-family homes, a resort hotel/lodge, a "winery-themed" restaurant, retail uses, water and waste water treatment facilities, a renovated golf course and a new clubhouse (the "Original Project"). The Original Project was named the Silo Ridge Resort Community; and

**WHEREAS**, under the Town of Amenia Zoning Code (the "Zoning Code"), the Original Project Site is located in the Resort Development Overlay ("RDO") Zoning District. The purpose of the RDO is to provide use and design flexibility to encourage resort development on appropriate large properties where such development fits into the rural character of the Town and protects its scenic, historic and environmental resources. The RDO provides a procedure for master planned development of properties over 200 acres to promote tourism, recreation and open space protection. In exchange for granting permission for using flexibility and more intensive development than normally allowed in the Town, the RDO seeks to achieve significant protection of open space resources, especially scenic views, ridgelines, water resources and ecosystems; and

**WHEREAS**, pursuant to Section 121-18(C)(3) of the Zoning Code, because uses other than those allowed in Rural Agricultural ("RA") Zoning District were proposed, a special permit/master development plan approval was required; and



**WHEREAS**, on January 9, 2009, after completing a Final Environmental Impact Statement ("FEIS"), the Planning Board adopted a comprehensive Findings Statement for the Original Project under the State Environmental Quality Review Act ("SEQRA") (the "2009 SEQRA Findings"); and

**WHEREAS**, on June 25, 2009, the Planning Board issued a Special Permit and Master Development Plan Approval ("Original Approval") and related Findings Statement for the Original Project; and

**WHEREAS**, on February 4, 2010, the Planning Board renewed the Original Approval until June 25, 2011 pursuant Section 121-62 of the Zoning Code; and

**WHEREAS**, on March 3, 2011, the Planning Board further renewed the Original Approval until June 25, 2013 pursuant Section 121-62 of the Zoning Code; and

**WHEREAS**, in June 2013, the Planning Board further renewed the Original Approval until June 25, 2015 pursuant Section 121-62 of the Zoning Code; and

**WHEREAS**, in October 2013, Silo Ridge Ventures, LLC (the "Applicant"), the successor to HGCC, submitted applications to the Planning Board seeking to modify the Original Project and redevelop the Original Project Site as a mixed-use resort community including, among other things, 52 attached condominiums, 159 single-family detached homes, 13 townhomes, 21 hotel-condominium lodging units, a winery-themed restaurant, an 18-hole golf course, a clubhouse/lodge (with restaurant, bar/lounge and golf pro shop), family activity barn and lake pavilion, fitness spa, yoga center, golf academy, sales center and general store, village green, an "Artisan's Park Overlook," water and waste water plants, recreational and open space amenities and related improvements to be owned and maintained by one or more homeowner's associations and condominium associations (the "Modified Project"). The Modified Project was renamed the Silo Ridge Field Club; and

**WHEREAS**, the Modified Project is proposed to be developed on the Original Project Site and a portion of an adjoining tax parcel 7066-00-870350 owned by the Harlem Valley Landfill Corp. ("HVLC Property") and located in the Office/Commercial/Industry Mixed Use ("OC") Zoning District of the Town of Amenia (the "Modified Project Site"); and

**WHEREAS**, in connection with the Modified Project, the Applicant applied to the Planning Board for, among other things: (1) an amended Special Permit/Master Development Plan approval pursuant to Section 121-18(C)(3) of the Zoning Code; (2) Special Permit approvals for the golf maintenance facility, golf course improvements and waste water treatment plant to be located on a portion of the HVLC Property in the OC Zoning District pursuant to Section 121-10(B) of the Zoning Code; (3) a Site Plan approval for the first phase of the Modified Project including the golf maintenance facility, golf course improvements and waste water treatment plant ("WWTP") to be located on a portion of the HVLC Property; (4) a Preliminary Subdivision approval and lot line adjustment to incorporate a portion of the HVLC Property pursuant to Chapter 105 (the "Subdivision Law") of the Town Code; (5) Special Permit approval for storage at the golf maintenance facility of more than 500 pounds of fertilizers and



pesticides/herbicides pursuant to Town Code 121-15(E)(1); and (6) certain waivers and supplementary approvals under the Town's Zoning Code and Subdivision Law (collectively the "Applications"); and

**WHEREAS**, as part of the Applications, the Applicant also submitted, among other things, an Amended Master Development Plan narrative with amended drawings and plans (the "Amended MDP"), detailed site plans for Phase 1 of the Modified Project (collectively, the "Site Plan"), and detailed preliminary subdivision plans; and

**WHEREAS**, the Modified Project is considered a "major project" under the Zoning Code because it exceeds the thresholds set forth in Section 121-60(C)(1) of the Zoning Code; and

**WHEREAS**, the Planning Board has followed the procedures for reviewing and processing the Modified Project as a major project under the Zoning Code; and

**WHEREAS**, on March 25, 2014, the Planning Board circulated a full Environmental Assessment Form ("EAF") to all involved agencies. On May 15, 2014, the Planning Board designated itself as Lead Agency under SEQRA for review of the Applications; and

**WHEREAS**, as part of the Applications, the Applicant submitted an Addendum to the EAF containing numerous detailed and thorough plans, reports, studies and other documents evaluating the Modified Project's potential impacts on the following environmental topics, among others: soils and geology, water resources, cultural resources, transportation, land use and zoning, HVLC Property, water and waste water, stormwater, aesthetic resources, fiscal resources, fire safety, local and regional plan consistency, floodplains, vegetation and wildlife (collectively, the "Supplemental SEQRA Materials"); and

**WHEREAS**, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Applications (including all materials submitted by the Applicant in support of the Applications), and all Supplemental SEQRA Materials over the past two years; and

**WHEREAS**, on August 21, 2014, the Planning Board determined the Applications complete for purposes of public review and caused the Applications and Supplemental SEQRA Materials to be available at the Town Hall, Amenia Public Library and posted to a website linked to the Town's official website; and

**WHEREAS**, on September 4, 2014 and September 18, 2014, the Planning Board held public hearings on the Applications and Supplemental SEQRA Materials. The Planning Board continued the public hearing to allow the Applicant to revise the Applications and Supplemental SEQRA Material in response to comments from the Planning Board, its consultants and the public; and

**WHEREAS**, the Applicant has submitted a Phasing Plan (dated February 25, 2015) for the Modified Project, which provides that the first phase (known as "Phase Zero") will be constructed in Years 1 and 2, and will include modification of the existing golf course including



the driving range, and installation of related infrastructure. The second phase (known as Phase 1) will be constructed during Years 2 to 6, and will include, among other things, construction of the WWTP and conveyance system, the water supply and distribution system and treatment facility, the clubhouse (and related appurtenances), the Village Green neighborhood condominiums and townhomes, the Golf Villa neighborhood, the South Lawn neighborhood single-family homes, the Estate Homes neighborhood single-family homes, the Sales Center and General Store, the Artisan's Park Overlook, amenity buildings, and related infrastructure. The third phase (known as Phase 2) is planned for Years 6 to 8, and will include construction of the Vineyard Cottages, a pool and cabana for residents of the Vineyard Cottages, a winery-themed restaurant and related infrastructure. A detailed phasing plan is contained in Drawing SP-5 of the plans accompanying the Amended MDP text; and

**WHEREAS**, the Applicant submitted revised Applications and revised Supplemental SEQRA Materials to the Planning Board for its consideration. The Applicant also submitted their responses, in writing, to all substantive comments received from the Planning Board, its consultants and the public during the public hearing period; and

**WHEREAS**, in response to comments received from the Planning Board, its consultants and the public, the Applicant made numerous revisions to the Amended MDP; and

**WHEREAS**, on April 8, 2015, the Planning Board determined the revised Applications and revised Supplemental SEQRA Materials to be complete for purposes of public review and scheduled a continuation of the public hearing for April 28, 2015. On April 9, 2015, the Applicant submitted a letter to the Planning Board requesting that the public hearing be rescheduled to May 5, 2015, to provide the Planning Board and the public additional time to review the revised Applications and revised Supplemental SEQRA Materials; and

**WHEREAS**, the Planning Board referred a full statement of the revised Applications to the Dutchess County Planning Department as required by NYS Town Law and Sections 239-m and 239-n of the NYS General Municipal Law. The Dutchess County Department of Planning issued a report that determined that the revised Applications were a matter of local concern, and provided comments supporting the revised Applications; and

**WHEREAS**, pursuant to Section 121-62(E)(4) of the Zoning Code, the revised Applications for special permit approvals (for uses in both the RDO and OC Zoning Districts) were also referred to the Town of Amenia Zoning Board of Appeals ("ZBA") for their review and recommendation. The ZBA provided a positive recommendation for those Applications and the Modified Project; and

**WHEREAS**, on May 5, 2015, the Planning Board held, and closed, the final public hearing on the revised Applications and revised Supplemental SEQRA Materials; and

**WHEREAS**, the Applicant further revised the Applications and Supplemental SEQRA Materials in response to comments received from the Planning Board, its consultants and the public during the May 5<sup>th</sup> public hearing. The Applicant also submitted written responses to new substantive comments made during the hearing. These further revised materials were submitted to the Planning Board for its consideration; and



**WHEREAS**, the Planning Board has also considered written comments on the Modified Project from a variety of involved and interested agencies including, but not limited to, the New York State Department of Transportation, the New York State Department of Environmental Conservation, the Dutchess County Department of Planning, the Dutchess County Department of Health, the Amenia Fire Department, the Wassaucott Fire Department, the Town of Amenia Code Enforcement Officer, U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, and Dutchess Land Conservancy, among others; and

**WHEREAS**, Section 121-62(G)(1) of the Zoning Code requires the Planning Board to make a decision on the revised Applications within 62 days after the public hearing. On June 29, 2015, the Applicant agreed to extend the deadline for the Planning Board to make its decision until July 31, 2015; and

**WHEREAS**, on July \_\_, 2015, the Planning Board adopted an Amended and Restated Findings Statement (with mitigation measures) for the Modified Project under SEQRA (the "2015 Amended SEQRA Findings"); and

**WHEREAS**, Sections 121-20(A)(4) and 121-18(C)(2) of the Zoning Code require the Planning Board to prepare conservation findings to determine which land on the Modified Project Site has the most conservation value and should be protected from development by a conservation easement. With the assistance of its ecological consultant, the Planning Board has prepared conservation findings for the Modified Project and such findings have been attached and incorporated into the 2015 Amended SEQRA Findings. Based on these findings, a conservation easement has been prepared to protect no less than 80% of the overall Modified Project Site.

**WHEREAS**, Section 121-63 of the Zoning Code states that no special permit shall be granted for any property on which there exists a violation of the Zoning Code including a violation of any condition of a previous municipal approval. No adjudicated violations currently exist on the Modified Project Site; and

**WHEREAS**, pursuant to Section 121-63 of the Zoning Code, the Planning Board has taken into consideration the scale of the proposed Project, the possible impact of the proposed Project on the functioning nearby farm operations, and the tradition of freedom of land use where such use does not interfere with or diminish the value of adjoining property; and

**WHEREAS**, pursuant to Section 121-63 of the Zoning Code, the Planning Board has taken into account the proposed conservation easement for the Modified Project, the proposed architectural restrictions for the Modified Project and other measures in the revised Applications, the Supplemental SEQRA Material and the 2015 Amended SEQRA Findings that will mitigate any potential adverse impacts and preserve or enhance the scenic and historic character of the Town.

**NOW, THEREFORE BE IT RESOLVED**, pursuant to Sections 121-18 and 121-64 of the Zoning Code, that the Planning Board hereby grants Amended Special Permit/Master Development Plan approval for the Amended MDP consisting of: (1) "Silo Ridge Resort Community Amended Master Development Plan" narrative (dated June 5, 2015); and (2) "Silo Ridge Resort Community Master Development Plans" prepared by VHB Engineering, Surveying

& Landscape Architecture, P.C. (dated June 5, 2015) consisting of the following drawings and plans (collectively, the “MDP Plans”):

<u>Number</u>	<u>Drawing Title</u>	<u>Issue Date</u>
SP-1	Existing Site Conditions	6/5/2015
SP-2	Overall Site Plan	6/5/2015
SP-3	Program Details	1/8/2015
SP-4	Open Space Plan	6/5/2015
SP-5	Overall Phasing Plan	1/8/2015
SP-6	Site Plan – Village Green	1/8/2015
SP-7	Site Plan – South Lawn	1/8/2015
SP-8	Site Plan – Golf Villas	1/8/2015
SP-9	Site Plan – Estate Homes	6/5/2015
SP-10	Approved 2009 Site Plan – Vineyard Cottages	6/19/2014
SP-11	Approved 2009 Site Plan – Winery	6/5/2015
SP-12	Site Sections- Village Green	1/8/2015
SP-13	Site Sections – Village Green Homes	1/8/2015
SP-14	Site Sections- Golf Villas	1/8/2015
SP-15	Site Sections- South Lawn	1/8/2015
SP-16	Site Sections- Estate Homes	1/8/2015
SP-17	Approved 2009 Site Sections- Vineyard Cottages	6/19/2014
SP-18	Approved 2009 Site Sections- Phase 1 Winery	6/19/2014
A-1	Architectural Elevations- Residential	1/8/2015
A-2	Architectural Elevations- Clubhouse	1/8/2015
A-3	Architectural Elevations- Amenities	1/8/2015
A-4	Architectural Elevations- Amenities	1/8/2015
A-5	Approved 2009 Winery Restaurant Elevations	6/19/2014
A-6	Approved 2009 Winery Perspectives	6/19/2014
RI-1	Roadway Identification Plan	6/5/2015
P-1	Multifamily Residential Independent Parking Plan	1/8/2015
P-2	Non-Residential Independent Parking Plan	6/5/2015
P-3	Non-Residential Joint-Use Parking Plan	1/8/2015
C-1	Path Diagram	1/8/2015
GP-1	Grading Plan	1/8/2015
GP-2	Grading Plan	1/8/2015
SW-1	Overall Stormwater Management Practice Identification Plan	1/8/2015
U-1	Overall Wastewater Master Plan	1/8/2015
U-2	Overall Water Supply System Master Plan	1/8/2015
LA-1	Site Planting	1/8/2015
LA-2	Site Lighting	1/8/2015
LA-3	Site Paving & Site Walls	1/8/2015
LA-4	Site Signage	3/3/2014
LA-5	Pool Precedent Images	3/3/2014
LA-6	Winery Precedent Images	3/3/2014



**BE IT FURTHER RESOLVED**, as required by Section 121-63(B) of the Zoning Code, the Planning Board issues the attached findings which support the issuance of the Amended Special Permit/Master Development Plan approval pursuant to Section 121-18(C)(3) of the Zoning Code.

**THEREFORE, BE IT FURTHER RESOLVED** that this approval is subject to the following conditions:

1. Prior to the endorsement of the final Site Plan for the Modified Project by the Planning Board Chairman, the Applicant shall submit a final revised version of the Amended MDP incorporating any final revisions required by the Planning Board's consultants not already incorporated in the version last submitted to the Planning Board on June 8, 2015, including revisions that may be noted in the following comment memos sent to the Planning Board: Whiteman Osterman & Hanna, LLP dated April 22, 2015; Rohde Soyka & Andrews dated April 22, 2015; Mary Ann Johnson, AICP dated April 21, 2015; George M. Janes & Associates dated April 20, 2015; and Michael Klemens, Ph.D dated April 15, 2015. Any final revisions shall be approved by the Planning Board.
2. The Applicant will resubmit Amended MDP Drawing SP-4 ("Open Space Plan") and any other plans to remove the area that will be occupied by the gun safety wall around the Amenia Fish and Game Club from the Open Space areas and calculations. The Applicant will also update the open space acreages to correct and update any other changes to those calculations in order to demonstrate that no less than 80% of the Modified Project Site is preserved as open space, as required by Section 121-18 of the Zoning Code.
3. The Applicant shall implement all the conditions and mitigation measures contained in the 2015 Amended SEQRA Findings for the Modified Project. These conditions and mitigation measures are incorporated by reference into this approval.
4. The Applicant shall comply at all times with the Phase 1 Site Plan Approval for the Modified Project as issued by the Planning Board on July 29, 2015.
5. The Applicant shall comply at all times with: (a) the Preliminary Subdivision Approval for the Modified Project as issued by the Planning Board on July 29, 2015; and (b) the Final Subdivision Approval for the Modified Project as issued by the Planning Board.
6. The Applicant shall comply at all times with the Special Permit approval (dated July 29, 2015) for the golf maintenance facility, golf course improvements and WWTP for the Modified Project to be located on the HVLC Property in the OC Zoning District.
7. The Applicant shall comply at all times with the Special Permit approval (dated July 29, 2015) allowing greater than 500 pounds of fertilizers and

pesticides/herbicides to be stored at the golf maintenance facility in the Town of  
Amenia Aquifer Overlay district pursuant to Section 121-15(E)(1) of the Zoning  
Code.

8. In lieu of constructing workforce housing on the Modified Project Site, the Applicant shall pay a fee in-lieu into a dedicated workforce housing trust fund maintained by the Town of Amenia. The fee-in-lieu paid by the Applicant shall comply with the recently adopted Section 121-42(N)(1)(c) of the Zoning Code (Local Law No. 2 of 2014). The fee shall be paid in accordance with Section 121-42(N)(1)(c) of the Zoning Code, in an amount determined by the Town Board.
9. Before applying for site plan approval for Phase 2 for the Winery Restaurant and Vineyard Cottages, the Applicant shall submit proof from its title company that that the old road bed on that property has been abandoned and is owned in fee by the Applicant.
10. Any special events held on the Modified Project Site that meet the requirements for a public gathering under Chapter 91 of the Town of Amenia Town Code, as it may be amended from time to time, shall obtain a public gathering license from the Town of Amenia Town Board in compliance with that law.
11. The Applicant shall maintain a daily log identifying the occupants of the hotel-condominium (lodging) units so that the Town can monitor compliance with the transient occupancy and part-time residence occupancy restrictions contained in Section 121-74 the Zoning Code. The Applicant shall submit a copy of the log on an annual, calendar-year basis, and shall also make the log available for inspection on request by the Town Building Inspector or Zoning Administrator. At the time of filing with the Town, the Applicant may make a written request that the Town exempt the log from disclosure pursuant to Section 89(5) of the Freedom of Information Law. If such a written request is made, the Town shall comply with the provisions of Section 89(5) before responding to a FOIL request seeking inspection or production of the filed log.
12. No structure, storage tank, garbage container, dumpsters or debris shall be placed within the 100-foot RDO buffer, other than for a momentary and temporary period of time. No exterior lighting or surveillance equipment shall be directed at any dwelling located off the Modified Project site.
13. This Amended Special Permit/Master Development Plan approval authorizes the use of the "Miller House" located on US Route 44 and in the RDO as the temporary Sales Office and construction office for the Modified Project.
14. The use of entry gates was previously approved by the Planning Board for the Original Project.



15. If any inconsistencies exist between the approved Amended MDP and the approved Site Plan, the Site Plan approval shall control.
16. If any inconsistencies exist between the approved Amended MDP and the approved Preliminary or Final Subdivision Plats, the subdivision approvals shall control.
17. The Town may enforce any requirements of law related to or conditions of these approvals against the Applicant and HVLC, and their successors and assigns, as the property owners.
18. Pursuant to Section 121-18(C)(3)(e) of the Zoning Code, any revision of the Amended MDP Plans shall require amended site plan approval and any change of use within the Amended MDP shall require amended special permit/master development plan approval.

**BE IT FURTHER RESOLVED**, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remainder of this approval resolution shall remain in full force and effect; and

**BE IT FURTHER RESOLVED**, that the Planning Board reserves the right to revoke this approval after a hearing if it determines that as a result of such annulment by a court of competent jurisdiction, the Modified Project no longer complies with Town's Subdivision Law and/or Zoning Law; and

**BE IT FURTHER RESOLVED**, that in accordance with Section 121-62(H) of the Zoning Code, this Special Permit/Master Development Plan approval shall expire if: (1) the permitted use ceases for more than 24 consecutive months for any reason, or (2) the Applicant fails to obtain the necessary building permit(s) or fails to comply with the conditions of this Special Permit that are capable of being complied with within 12 months of its issuance; and

**BE IT FURTHER RESOLVED**, that in accordance with Section 121-62(H) of the Zoning Code, this Special Permit may be revoked by the Planning Board if the Applicant violates the conditions of the Special Permit/Master Development Plan approval or engages in construction or alteration not authorized by this Special Permit/Master Development Plan approval.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be filed in the Town of Amenia Clerk's Office within 5 days after its adoption; and

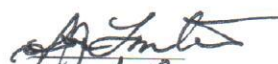




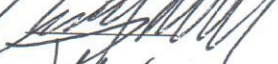

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

Motion By: Peter Clair


Second By: Nathan Roy

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:



	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Stefanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nathan Roy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Erich McEnroe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Kroeger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Dated: July \_\_, 2015  
Amenia, New York

  
Joseph Fontaine, Chairman  
Town of Amenia Planning Board